

HOUSE BILL REPORT

SSB 5610

As Passed House:

April 15, 2009

Title: An act relating to the release of driving record abstracts for employment purposes.

Brief Description: Authorizing the release of driving record abstracts for employment purposes.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Haugen, Delvin, Sheldon, Berkey, Jarrett and Shin).

Brief History:

Committee Activity:

Transportation: 4/2/09 [DP].

Floor Activity

Passed House: 4/15/09, 97-0.

Brief Summary of Substitute Bill

- Allows employers, prospective employers, volunteer organizations, and agents acting on behalf of these entities, to obtain a driving record abstract so long as the abstract is obtained for employment purposes where driving is a condition of employment or will be engaged in at the direction of the employer or organization.
- Allows a court to provide a copy of a person's abstract to them if the person has a pending case before the court for a suspended license violation or an open infraction or criminal case that has resulted in the suspension of a person's driver's license. An open infraction or criminal case includes cases on probation or subject to a payment agreement or in collections. Courts may charge a reasonable fee for producing and copying the abstract for the person.
- Requires the Department of Licensing to keep records of convictions for driving under the influence of intoxicating liquor or drugs permanently.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 26 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Armstrong, Campbell, Cox, Driscoll, Eddy, Erickson, Finn, Herrera, Johnson, Klippert, Kristiansen, Moeller, Rolfes, Sells, Shea, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

Staff: David Munnecke (786-7315)

Background:

The Director of the Department of Licensing (DOL) maintains a case record on every person licensed to operate a motor vehicle in Washington. These case records, or abstracts, contain information relating to a person's driving record, including:

- a list of motor vehicle accidents in which the person was driving;
- whether any of the motor vehicle accidents resulted in a fatality;
- any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;
- the status of the person's driving privilege in Washington; and
- any reports of failure to appear in response to a traffic citation or failure to respond to a notice of an infraction.

Washington law restricts the distribution and use of abstracts. Certified abstracts may only be released to specified persons, including:

- the individual named in the abstract;
- an employer, prospective employer, or volunteer organization for which the individual named in the abstract has applied for a position that requires the transportation of certain groups;
- a transit authority checking prospective vanpool drivers;
- specified insurance companies;
- an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services;
- city and county prosecuting attorneys;
- state colleges, universities, or agencies for risk management or employment purposes; and
- units of local government authorized to self-insure.

A full abstract may be released to the individual named in the abstract, an employer or prospective employer, or a city or county prosecuting attorney. Certain requesters are allowed to receive partial abstracts, meaning driving records that date back a limited number of years.

State-approved alcohol/drug assessment or treatment agencies receive an abstract covering a period of not more than five years, plus any records of alcohol-related driving offenses for a period of not more than 10 years.

Information may only be used for specific purposes depending on who requests the abstract. An abstract provided to an alcohol/drug assessment or treatment agency may only be used to assist its employees in determining the appropriate level of treatment.

Persons requesting the abstract, other than the individual named in the abstract, may not give any information contained in the abstract to a third party unless authorized. Prosecutors are authorized to provide the abstract to state-approved alcohol/drug assessment or treatment agencies.

The DOL may destroy certain records, such as applications for drivers' licenses, if they have been microfilmed or are older than five years. However, the DOL must keep convictions for vehicular homicide and vehicular assault permanently on file. Convictions for driving under the influence of intoxicating liquor or drugs must be kept for 15 years from the date of the conviction.

Summary of Bill:

The list of those to whom the DOL may furnish a driving record abstract is expanded to include employers, prospective employers, volunteer organizations, and agents acting on behalf of these entities, so long as the abstract is obtained for employment purposes where driving is a condition of employment or will be engaged in at the direction of the employer or organization.

A court may provide a copy of a person's abstract if the person has a pending case before the court for a suspended license violation or an open infraction or criminal case that has resulted in the suspension of a person's driver's license. An open infraction or criminal case includes cases on probation or subject to a payment agreement or in collections. Courts may charge a reasonable fee for producing and copying the abstract for the person.

The DOL must keep records of convictions for driving under the influence of intoxicating liquor or drugs permanently.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill allows for a narrow and targeted expansion of the law governing the release of driver abstracts. Last year state agencies and universities were allowed access to driver abstracts for employment and risk management purposes, and this bill would allow the release only for employment purposes. It should be limited even further to employment that involves driving. The consent of the employee or prospective employee is required before the abstract can be provided.

This law would provide greater protection for all people sharing the road, since it would allow for more checks before a new driver is added to the roads.

This bill would be helpful for a variety of volunteer organizations because it allows for an expansion of when abstracts can be obtained by volunteer organizations to areas such as Medicare transportation service providers.

(With concerns) There are privacy concerns with this bill that need to be addressed. The bill needs to be narrowly tailored in order to apply only to employees who are required to drive. The consent provision should also be narrowed so that consent can only be obtained in an appropriate fashion.

(Opposed) None.

Persons Testifying: (In support) Tom McBride, Reed Elsevier, Inc.; and Seth Dawson, Hopelink, Young Women's Christian Association of Seattle, King County, and Snohomish County, and Chinook Enterprises.

(With concerns) Shankar Narayan, American Civil Liberties Union of Washington.

Persons Signed In To Testify But Not Testifying: None.